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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,091	10/19/2001	Chad Nelson	12477-010001	8840

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EXAMINER

GORDON, STEPHEN T

ART UNIT PAPER NUMBER

3612

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/040,091

Applicant(s)

NELSON ET AL.

Examiner

Stephen Gordon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Regarding the election of species requirement set forth in the last office action, the examiner agrees with applicant that all pending claims of group I are fairly readable on the embodiments detailed in the last office action. Regarding the restriction requirement, claims 21-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention group. Election was made **without** traverse in Paper No. 10.
2. It is requested that applicant cancel the non-elected claims 21-24 in response to this action to facilitate the issue process if the application is ultimately allowed.
3. The drawings are objected to because label "24" on figure 3A should be --29--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The disclosure is objected to because of the following informalities: "38" on page 7 -- line 5 should be --28--.

Appropriate correction is required.

5. Claims 1-5, 9, 12, 14-15, 17, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, "the distance" lacks clear antecedent basis, and moreover it is noted such distance can vary over the length of the panel. Additionally, the recited peripheral

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edge in the last line apparently constitutes a double inclusion of the previously recited peripheral edge.

Re claim 4, the recitation of the depression comprising a shallow channel (i.e. element 14?) is somewhat confusing as such channel does not extend "at least half the distance" as recited in the base claim.

Re claim 9, the recited peripheral apparently constitutes a double inclusion of the previously recited peripheral edge(s).

Re claim 12, "the peripheral edge" lacks clear antecedent basis as multiple peripheral edges are previously recited.

Re claim 14, the last line is somewhat confusing, and "a faces" could be replaced with --said faces-- to clarify the claim as best understood.

Re claim 17, "said panels" lacks clear antecedent basis and should apparently be --said faces--.

Re claim 20, "said panels" lacks clear antecedent basis, and the term should apparently be singular to correct this defect.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Jevaney et al.

Jevaney et al teaches a panel structure (e.g. figure 7) including a depression 39a+ which extends at least half of a distance between the faces as best understood and as broadly claimed. Additionally, the edge is deemed configured to receive a seal as broadly claimed.

Re claim 2, the device comprises a filled cavity.

Re claim 3, the depression serves as broadly claimed.

Re claim 4, at least the channel at the bottom of the panel reads on the channel as broadly claimed.

Re claim 5, at least the channel at the bottom of the panel reads on the channel as broadly claimed.

8. Claims 6-13 and 20, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hill – see figure 2, panel 66+.

Hill teaches a panel 66+ as broadly claimed.

Re claim 7, the device comprises a filled cavity.

Re claim 8, at least the depression at the bottom of the cavity reads on the depression as broadly claimed.

Re claim 9, the bottom edge of the panel is deemed configured as broadly claimed.

Re claim 10, at least the depression at the bottom of the panel serves as broadly claimed.

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Re claims 11 and 12, at least the depression at the bottom of the panel defines a channel as broadly claimed.

Re claim 13, at least element 64 defines a seal as broadly claimed.

Re claim 20, member 64 reads on the seal as broadly claimed.

9. Claims 6, 7, and 9, as best understood, are alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Hutchison.

Hutchinson teaches a seamless panel (see abstract etc.) including an insulating core material in a cavity as broadly claimed – see figure 1.

Re claim 9, the edge is deemed configured as broadly claimed and as best understood.

10. Claim 6 is alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Onken.

Onken teaches a panel as broadly claimed including an internal cavity as broadly claimed – see figure 3 etc.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 16-19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill in view of Jevaney et al.

Hill teaches all of the claimed features as discussed above but fails to specifically teach a handle formation in the faces.

Jevaney et al teaches the use of a handle formation in a panel to facilitate moving of the panel.

In order to better facilitate moving of the panel into position, it would have been obvious to one of ordinary skill in the art to fabricate the panel of Hill to include a handle formation in view of the teachings of Jevaney et al.

Re claim 17, the handle formation of Hill as modified by Jevaney et al would be configured as broadly claimed.

Re claims 18-19, the edge of the Hill panel is deemed to define a trim member as broadly claimed – see figure 2 of Hill etc.

14. Claims 14-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

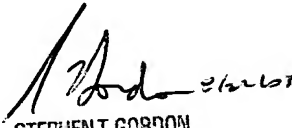
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Pradovic teaches a movable bulkhead.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556.

stg

  
STEPHEN T. GORDON  
PRIMARY EXAMINER